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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,059	06/05/2002	Keyomars Fard	021724.0101	2121
24283	7590	07/27/2004	EXAMINER	
PATTON BOGGS 1660 LINCOLN ST SUITE 2050 DENVER, CO 80264			NERBUN, PETER P	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/064,059

Applicant(s)

FARD, KEYOMARS

Examiner

Peter P Nerbun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 and 61-76 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5, 12, 20, 21, 27-30, 32, 62, 63, 70, 71, 74 and 75 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 13-26, 31, 33, 34, 61, 64-69, 72, 73 and 76 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 07022004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,6-11,18,19,22-26, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Waibel et al. The patent to Waibel et al discloses a method for manufacturing garments having a vintage appearance (see col. 10, lines 34-40), said method comprising forming a plurality of panels of fabric of a garment (the “fabric” material referred to in col. 10, lines 5-40 must be made from a plurality of fabric panels since this section of Waibel et al states that “the material is made up into jeans” which are themselves made from a plurality of fabric panels), printing a pattern using a chemical on at least one panel of fabric (see col. 4, lines 50-54 and col. 4, lines 59-64), the chemical being utilized to produce the garment with the vintage appearance, and constructing the garment utilizing the plurality of panels (see col. 10, line 34), the plurality of panels including the at least one chemical printed panel. With regard to claim 2, note col. 8, lines 42-45). Regarding claim 3, note that the chemical is a “color remover” since the chemical removes the original color on the fabric panel and replaces it with another color. With regard to claim 8, note col. 4, lines 43-47. Regarding claim 10, note col. 10, lines 34-38.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented

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and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13,15-17,61,64-69,72,73, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waibel et al in view of Mann. To include the step of designing a graphical representation of the garment of Waibel et al as suggested by Mann (see Fig. 3 and col. 3, lines 40-48) would have been obvious since the designer could visualize the relationship between the size and shape of the garment components prior to assembling the finished garment. With regard to the means for printing a pattern using a chemical on at least one of the panels of fabric the examiner has determined that this limitation invokes 35 USC 112, sixth paragraph since it meets the three prong analysis set forth in MPEP 2181. Further applicant sets forth in the specification an adequate disclosure showing what is meant by that language "means for printing a pattern using a chemical on at least one of the panels of fabric" on page 10, paragraph [0031] which describes a continuous printer using one or more print rollers. To utilize a continuous printer using one or more print rollers in applying the pattern described by Waibel et al as suggested by Mann (at col. 3, lines 60-61) would have been obvious since printing would be facilitated by pre-determining the image sizing and x,y print position during fabrication of the rotary applicator. With regard to claim 15, line 3 where applicant recites "means for forming a plurality of panels of fabric of a garment", while no particular structure is recited in the specification for performing this function one skilled in the art would understand that this involves a cutting apparatus which is described by the Mann reference at col. 4, lines 6-7. To include a cutting apparatus in

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forming a plurality of panels of fabric of the garment in Waibel as suggested by Mann would have been obvious since this would enable subsequent assembly of the garment panels into a structure that performs as a garment. With regard to claim 15, line 3 where applicant recites "means for constructing the garments utilizing the plurality of panels" while no particular structure is recited in the specification for performing this function one skilled in the art would understand that this involves a sewing apparatus. To utilize a sewing apparatus for constructing the garments utilizing the plurality of panels in Waibel et al would have been obvious since a sewing apparatus is well known to one of ordinary skill in the art as the desired means for assembling garment pieces into finished garments.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waibel et al. It would have been obvious that the heating of the fabric material disclosed in col. 10, lines 25-26 of Waibel would induce a chemical reaction since this disclosure states that the dyed cotton material is passed over a drying cylinder with a surface temperature of 140 degrees Celsius. A cylinder heated to 140 degrees Celsius has sufficient energy to induce an endothermic chemical reaction in the dyed cotton material while contacting that material.

Claims 4,5,12,20,21,27-30,32-34,62,63,70,71, 74, and 75 are withdrawn from consideration as being drawn to a species non-elected without traverse in paper no. 06012004.

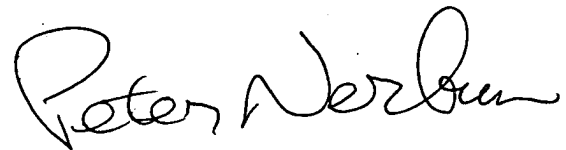
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun
July 16, 2004

A handwritten signature in black ink, appearing to read "Peter Nerbun". The signature is fluid and cursive, with the first name "Peter" and last name "Nerbun" clearly distinguishable.

Peter Nerbun
Primary Examiner